THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No. 19236 of 2006

Date 18-09-2006

Between:

Errana.

..... PETITIONER

AND

The Regional Transport Officer, Kurnool, Kurnool District and another.

.....RESPONDENTS

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION No.19236 of 2006

O R D E R :

The petitioner claims to be the owner of vehicle (Maxi-cab) bearing No.AP04U 3733. The said vehicle was seized by the respondents under check report dated 20-07-2006 on certain allegations specified thereunder. It is stated that the petitioner made a representation on 23-08-2006 before the first respondent as contemplated under Rule 448(B) of the A.P. Motor Vehicles Rules by enclosing a demand draft of Rs.25/- seeking release of the vehicle pending enquiry. It is alleged that the first respondent failed to take any action and the interim custody was not granted to the petitioner resulting in continuous detention of the seized vehicle with the respondents. Hence this writ petition seeking a declaration that the action of the respondents in detaining the seized vehicle and not releasing the same as arbitrary and illegal.

I have heard the learned counsel for the petitioner and perused the material on record.

It needs no reiteration that the liability of the petitioner as to the allegations made under the check report is the subject matter of enquiry to be conducted by the first respondent in terms of the provisions of the Motor Vehicles Act. So far as the interim custody is concerned, the petitioner has already approached the first respondent by making necessary application together with the prescribed fees.

In the circumstances, the first respondent is required to consider the same and pass appropriate orders in accordance with law expeditiously. Accordingly, without expressing any opinion on merits, the writ petition is disposed of with a direction to the first respondent to consider the application of the petitioner dated 23-08-2006 for release of the vehicle in question and pass appropriate orders in accordance with law within a period of one week from the date of receipt of a copy of this order. No order as to costs.

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18-09-2006

Note:Furnish copy by tomorrow
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